

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

MIKE POSEY

PLAINTIFF

VS.

CIVIL ACTION NO: 5:15-cv-103(DCB)(MTP)

SANDY SANSING BROOKHAVEN, LLC

DEFENDANT

ORDER

This cause is before the Court on the plaintiff Mike Posey's Motion to Strike (**docket entry 10**) the defendant Sandy Sansing Brookhaven, LLC's Motion for Summary Judgment (docket entry 9). The Court, having carefully considered the plaintiff's motion and the defendant's response, finds as follows:

This action was originally filed in the Circuit Court of Lincoln County, Mississippi, and removed to this Court by the defendant. The defendant's Notice of Removal asserts that the plaintiff is a Mississippi citizen, that the defendant is a Florida limited liability company, and that the amount in controversy exceeds \$75,000.

The plaintiff claims that the defendant owes him a year's worth of salary at \$15,000 per month. The defendant contends that plaintiff's employment was terminable at will, and cites the plaintiff's Employment Application, as well as the plaintiff's Acknowledgment of Receipt of Employment Policy Manual, At-Will Employment Status and Probationary Employment Period. These documents are also attached as exhibits to the defendant's Motion

for Summary Judgment.

The plaintiff moves to strike the defendant's exhibits, on grounds that they are not supported by affidavits or otherwise authenticated. The defendant has now properly authenticated the exhibits (docket entry 12, exhibit A). The Court shall therefore deny the plaintiff's motion to strike and order plaintiff to respond to the defendant's motion for summary judgment.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Mike Posey's Motion to Strike (**docket entry 10**) is DENIED;

FURTHER ORDERED that plaintiff shall file his response and supporting memorandum brief in opposition to the defendant's Motion for Summary Judgment within fourteen days from the date of entry of this Order. Defendant may file a rebuttal within seven days from service of the plaintiff's response and memorandum brief.

SO ORDERED AND ADJUDGED, this the 23rd day of March, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE